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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,538	06/13/2002	Shunsuke Furukawa		1470

530 7590 05/31/2006  
LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK  
600 SOUTH AVENUE WEST  
WESTFIELD, NJ 07090

EXAMINER
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LEMMA, SAMSON B

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/069,538	<b>Applicant(s)</b> FURUKAWA ET AL.	
	<b>Examiner</b> Samson B. Lemma	<b>Art Unit</b> 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-58 and 61-86 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-7, 9, 11-15, 17, 25, 34, 35, 37, 39, 40, 46, 51-58, 61, 68-72, 80, 81, 85 and 86 is/are rejected.
- 7) ☐ Claim(s) 2, 8, 10, 16, 18-24, 26-33, 36, 38, 41-45, 47-50, 62-67, 73-79 and 82-84 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### ***DETAILED ACTION***

1. **Claims 1-58 and 61-86** have been examined.

### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119 (a)-(d), which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1,3-7,9,11-15, 17, 25, 34-35, 37, 39-40, 46, 51-58, 61, 68-72, 80-81 and 85-86** are rejected under 35 U.S.C. 103(a) as being unpatentable over Miwa, Kunihi (hereinafter referred as **Miwa**)(European Publication, EP 0942418 A1), published on 09/15/1999 (~~published on 09/15/1999~~ <sup>PCT Search report</sup>), in view of **Kuroda, Kazuo** (hereinafter referred to as **Kuroda**) (European Publication, EP 0969463 A1), published on 01/05/2000 (~~published on 01/05/2000~~ <sup>PCT Search report</sup>).

5. **As per claims 1, 9, 17, 25, 40, 51, 61, 68,81 and 85-86** Miwa discloses a recording method for a recording medium,[Abstract, "RAM" or "ROM"]comprising the steps of:

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**Recording main data onto a recording medium on which an identification part indicating a type said recording medium provided, so that said main data are readable as optical changes;**[paragraph 0011] (management information is met main data and this management information is embedded/recorded on medium of a type such as RAM(rewritable type) or R(write-once type) meets the limitation of an identification part indicating a type said recording medium as it is recited on paragraph 0011)and

**Embedding sub data at least into a part of said main data based** [paragraph 0013, "additional information is met to be sub data]

**Miwa does not explicitly disclose embedding subdata based on a format corresponding to said type of said recording medium and recording said sub data along with said main data.**

**However, in the same field of endeavor Kuroda, discloses embedding sub data based on a format corresponding to said type of said recording medium and recording said sub data along with said main data.**[paragraph 0005, paragraph 0021-0022] (the type of said recording medium is interpreted as it is recited on the dependent claim 3)

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to combine the feature of recording as per teachings of **Miwa** in to the method **embedding data based on a format corresponding to said type of said recording medium** as taught by **Kuroda**, in order to provide a secure method of prohibiting reproduction of digital information illegally. [see paragraph 0001, the last 2 lines]

6. **As per claims 3, 11, 34,46,52-54,69-70,80 the combination of Miwa and Kuroda discloses a method as applied to claims above. Furthermore, Kuroda**

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**discloses the recording method wherein said sub data is embedded on the basis of a format corresponding to the type of said recording medium, of at least a first format for a reproduction-only recording medium and a second format for a recordable recording medium.** [Paragraph 0021-0022]

**7. As per claims 4-7,12-15,35,37,39,55-58,71-72 the combination of Miwa and Kuroda discloses a method as applied to claims above. Furthermore, Miwa discloses the recording method wherein modulation processing is performed on said main data, which is then recorded onto said recording medium, and said sub data is embedded into margin bits of said modulation-processed main data.**

[Paragraph 0040]

### ***Allowable Subject Matter***

**8. Claims 2,8,10,16,18-24,26-33,36,38,41-45,47-50,62-67,73-79 and 82-84** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.(See PTO-Form 892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 571-272-3806. The examiner can normally be reached on Monday-Friday (8:00 am---4:30 pm).

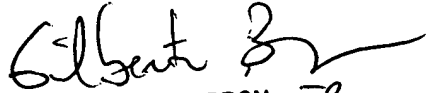
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**SAMSON LEMMA**

**S.L.  
05/25/2006**

  
**GILBERTO BARRON JR.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100**